

**UNITED STATES OF AMERICA**

**v.**

**RICHARD SCOTT LINDSTEDT**  
Name

**3:20-cr-00277-JO**  
Court Number

**On file**  
Street Address

**2020R00830**  
U.S. Attorney's File No.

**On file**  
City

**AGREEMENT FOR PRETRIAL DIVERSION**

On July 26, 2020, in the District of Oregon, while piloting an unmanned aircraft system, you did knowingly, and without lawful authority conduct aircraft operations about the U.S. Federal Courthouse in Portland, Oregon, a restricted location classified by the Federal Aviation Administration as a National Defense Airspace, in violation of Title 14, Code of Federal Regulations, Section 99.7, a regulation prescribed under Title 49, United States Code, Section 40103(b) and 46307, a class A misdemeanor. You accept responsibility for your behavior by your signature on this Agreement. After investigation of the offense and your background, your interests and the interests of justice will be served by the following procedure.

Therefore:

On the authority of the Attorney General of the United States, by Billy J. Williams, United States Attorney for the District of Oregon, prosecution in this District for this offense shall be deferred to the period of six (6) months from the date this Agreement is signed and entered by the court, provided you abide by the following conditions and requirements of this Agreement set out below.

Should you violate the conditions of this Agreement, the United States Attorney may revoke or modify any conditions of the pretrial diversion program or change the period of supervision, which shall in no case exceed a total of twelve (12) months from the date that this Agreement is entered. The United States Attorney may at any time within the period of your supervision initiate prosecution for this offense should you violate the conditions of this Agreement. You have no right to a hearing or appeal from the decision of the United States Attorney.

After successfully completing your diversion program and fulfilling all the terms and conditions of this Agreement, no prosecution for the offense set out on page 1 of this Agreement will be instituted in this District, and the charges pending against you in *United States v. Lindstedt*, 3:20-cr-00277-JO, will be dismissed.

**Agreement for Pretrial Diversion**

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Neither this Agreement nor any other document filed with the United States Attorney as a result of your participation in the Pretrial Diversion Program will be used against you, except for impeachment purposes, in connection with any prosecution for the above-described offense, or for any offense pending against you in the Information filed in *United States v. Lindstedt*, 3:20-cr-00277-JO.

**Conditions of Pretrial Diversion**

1. You must not violate any law (federal, state and local). You must immediately contact your U.S. Pretrial Services officer if you are arrested and/or questioned by any law enforcement officer.
2. You must continue to live in Oregon. If you intend to move from Oregon, you must obtain approval from your U.S. Pretrial Services officer so that the appropriate transfer of program responsibility can be made.
3. You must report to your U.S. Pretrial Services officer as directed.
4. **Special Conditions:**
  - a) You may not fly a drone without prior approval from U.S. Pretrial Services.

**Acknowledgment**

I understand and agree that the decision as to whether or not I am in violation of the terms of the Agreement is solely that of the United States Attorney in consultation with the U.S. Pretrial Services Office in Portland, Oregon.

I understand the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. I hereby request that the United States Attorney for the District of Oregon defer any prosecution of me for violating Title 49, United States Code, Sections 40103(b) and 46307, for the period of six (6) months, and I agree that any delay from the date of this Agreement to the date of the initiation of the prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at my request and I waive any defense to such prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial, or to bar the prosecution by reason of the running of the statute of limitations for the period of this Agreement.

I understand that, in the event this Agreement is successfully completed and the charge is dismissed, I will not seek attorneys' fees, and will not assert that such a dismissal makes me a prevailing party under Title 18, United States Code, Section 3006A.

I also knowingly waive any right which may exist under a "Pretrial Diversion Operations Agreement" in this District to file any motion requesting expungement of my arrest or other criminal record in connection with this pretrial diversion matter.

I agree not to file a claim or to withdraw any claim already filed in any civil, administrative or judicial forfeiture proceeding, which has been initiated, as to any of the property listed in the Bill of Particulars. I further waive the right to notice of any forfeiture proceeding involving this property, and agree not to assist others in filing a claim in any forfeiture proceeding. Specifically, I forfeit my interest in the Unmanned Aerial System seized from me by the Department of Homeland Security on July 26, 2020.


I agree to truthfully provide the government all information and evidence that I have concerning the offense or offenses that were part of the same course of conduct or of a common scene or plan.

I understand the conditions of my pretrial diversion and agree that I will comply with them.


12/8/20  
Date

  
RICHARD SCOTT LINDSTEDT  
Name of Divertee

12/8/20  
Date

  
BRYAN BOENDER  
Defense Counsel

12/15/20  
Date


  
WILLIAM M. NARUS  
Assistant United States Attorney

                      
Date

Kevin McGlothen Digitally signed by Kevin McGlothen  
Date: 2020.12.16 16:26:00 -05'00'  
KEVIN MCGLOTHEN  
U.S. Pretrial Services Officer

**APPROVED:**

12/18/2020  
Date

  
HONORABLE ROBERT E. JONES  
United States District Judge

**Agreement for Pretrial Diversion**

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